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14
15 **UNITED STATES DISTRICT COURT**
16 **DISTRICT OF NEVADA**

17 WARREN SMITH

18 Case No. 3:17-cv-00137-HDM-WGC

19 Plaintiff,

20 v.

21 UNITED PARCEL SERVICE, INC., UNITED
22 PARCEL SERVICE FLEXIBLE BENEFIT
23 PLAN, and AETNA LIFE INSURANCE
24 COMPANY,

**ORDER GRANTING DEFENDANT'S
UNOPPOSED MOTION TO EXTEND
RESPONSE DEADLINES TO ECF NOS.
48 & 53 (SECOND REQUEST)**

25 Defendants.

26 Defendants United Parcel Service, Inc. and United Parcel Service Flexible Benefit Plan,
27 by and through their counsel, Armstrong Teasdale LLP and Thompson Hine LLP (admitted *pro
28 hac vice*), and Aetna Life Insurance Company, by and through its counsel, Armstrong Teasdale

1 LLP, hereby move pursuant to Fed. R. Civ. P. 6 and Local Rule LR IA 6-1 to extend certain
2 response deadlines related to the briefing of Plaintiff Warren Smith's Motion for Attorney's Fees,
3 Costs, and Prejudgment Interest (ECF No. 48) filed on August 8, 2018, and Bill of Costs (ECF
4 No. 53) filed on August 2, 2018, which are presently September 21, 2018 and September 17, 2018
5 respectively, by an additional thirty (30) days. This is the second request to extend these
6 particular deadlines. A hearing has not been scheduled for any of these matters.

7 Good cause exists to extend Defendants' response deadlines by an additional 30 days. As
8 the parties previously informed this Court on August 16, 2018, the parties agreed to an amicable
9 settlement of the Plaintiff's claims for STD benefits, including, costs, interest, and attorney fees.
10 This settlement will moot Plaintiff's Motion for Attorney's Fees, Costs, and Prejudgment Interest,
11 Plaintiff's Bill of Costs, and the Notice of Appeal filed by the UPS Defendants (ECF No. 55). To
12 date, the parties have worked diligently to finalize the written settlement agreement and are in the
13 process of collecting signatures and processing payment. As soon as that occurs, the parties will
14 be able to dismiss this action and the pending appeal. In addition, the processing of Plaintiff's
15 long-term disability claim began even before receiving signatures on the settlement agreement.

16 On September 12-13, 2018, Tim McDonald, Esq., counsel for the UPS Defendants,
17 emailed Michael Flanigan, Esq., counsel for Plaintiff, to inquire about this extension request.
18 Mr. Flanigan consented to the Defendants filing an unopposed motion to extend Defendants'
19 response deadlines by 30-days.

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Accordingly, Defendants respectfully request that this Court extend Defendants' response deadlines such that the deadline to respond to ECF No. 48 is continued from September 21, 2018, to **October 22, 2018**, and the deadline to respond to ECF No. 53 is continued from September 17, 2018, to **October 17, 2018**.

Dated this 14th day of September, 2018.

ARMSTRONG TEASDALE LLP

By:/s/*Michelle D. Alarie*

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IT IS SO ORDERED.

DATED: September 14, 2018

Howard D. McKibben

SENIOR U.S. DISTRICT JUDGE